

JOSEPH OJUROVICH

IBLA 81-385

Decided June 15, 1981

Appeal from decision of the California State Office, Bureau of Land Management, returning a notice of location for the Norman placer mining claim and declaring the claim abandoned and void.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2 in the proper Bureau of Land Management office within the time periods prescribed therein conclusively constitutes abandonment of the mining claim by the owner.

2. Notice: Generally -- Regulations: Generally -- Statutes  
All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Joseph Ojurovich, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Joseph Ojurovich has appealed the decision of the California State Office, Bureau of Land Management (BLM), dated February 3, 1981,

which rejected appellant's notice of location 1/ for the Norman placer mining claim filed on January 15, 1981, and declaring the claim abandoned and void. The decision indicated that appellant had failed to comply with the recordation requirements of section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1744 (1976), and Departmental regulations 43 CFR 3833.

On appeal appellant states in part:

When I was given the deed by my Aunt it was recorded in the Trinity Title Insurance & Trust Co. also recorded in the Weaverville Court House. I was not informed by either place, I had to record this on my own with the state and was not made aware of any such law in effect by either co. I assumed when recorded they would handle all necessary recording's & Etc. Since I filed and paper work was done and fee's paid. Otherwise inform me.

[1, 2] Section 314 of FLPMA requires the owner of an unpatented lode or placer mining claim located prior to October 21, 1976, to file a copy of the official record of the notice of location and related documents for the claim in the BLM office designated by the Secretary of the Interior within the 3-year period following October 21, 1976. Section 314 also provides that failure to file timely such records shall be deemed conclusively to constitute an abandonment of the mining claim by the owner. The pertinent regulations, 43 CFR 3833.1-2(a) and 3833.2-1(a), merely replicate the statutory requirements.

The fact that appellant may have been unaware of the recordation requirements, while unfortunate, does not excuse him from compliance. Those who deal with the Government are presumed to have knowledge of the law and the regulations duly adopted pursuant thereto. Federal Crop Ins. Corp. v. Merrill, 332 U.S. 380 (1947); Donald H. Little, 37 IBLA 1 (1978). 2/ The responsibility for complying with the recordation requirements rested with appellant. This Board has no authority to excuse lack of compliance. A. J. Grady, 48 IBLA 218 (1980); Glen J. McCrorey, 46 IBLA 355 (1980).

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1/ In lieu of a notice of location appellant submitted a quitclaim deed filed with the Trinity County recorder on June 28, 1977.

2/ Appellant makes no reference to mineral values on the claim, or to any intention to devote the claim to mining development, but says: "This land is important to us as it has been in the family for years, now, we do not wish to lose it, if we use it or not, it is sort of a personal thing." Appellant is advised that a valid claim must be supported by a discovery of a valuable deposit of mineral and that the claim may be used only for mining purposes.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing  
Administrative Judge

We concur:

Douglas E. Henriques  
Administrative Judge

Anne Poindexter Lewis  
Administrative Judge

